

IN THE MATTER OF THE
THE APPLICATION OF
BLACKHORSE RUN JOINT VENTURE
FOR VARIANCES ON PROPERTY
LOCATED ON THE NORTH SIDE
WINANDS ROAD, 590' EAST OF
THE CENTERLINE TULSEMER ROAD
(LYONSWOOD SOUTH)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-330-A
* * * * *

O P I N I O N

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested Petition with restrictions. Appeal from the Deputy Zoning Commissioner's Order was entered by Mr. Max Oppenheimer, Protestant/Appellant.

On January 22, 1992, the Board was in receipt of a letter from Mr. Oppenheimer which asks that the Board dismiss the above-referenced appeal. Accompanying this letter was a telefax from counsel which the Board will put into the case file but which will not be a matter of record. In addition, a letter to John B. Gontrum, Esquire, Counsel for Petitioner, from Max Oppenheimer was telefaxed to the Board the day of the hearing and that will also be entered into the case file.

Additionally, Mr. Oppenheimer had personal telephone conversation with the Board Chairman and indicated that it was his desire to dismiss his appeal without any conditions attached whatsoever. In consideration of all the foregoing, the Board is of the opinion that Mr. Oppenheimer's appeal should be dismissed without any conditions attached and will so order.

Case No. 91-330-A Blackhorse Run Joint Venture

O R D E R

FOR THE AFOREGOING REASONS, IT IS THEREFORE this 23rd day of January, 1992 by the County Board of Appeals of Baltimore County ORDERED that the above-referenced appeal in Case No. 91-330-A be and the same is hereby unconditionally DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

IN RE: PETITION FOR ZONING VARIANCE
N/S Winands Road, 590' E of
the C/L of Talbore Road
(Lyonswood South)
2nd Election District
2nd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-330-A
* Blackhorse Run Joint Venture
* (Lyonswood South) - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit building separations for Lots 1 through 101, inclusive as follows: 1) Building to adjoining lot garage separations of 10.5 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet; 2) Building to building separations of 10 feet in lieu of the required 30 feet for heights between 25 feet and 30 feet, and garage to adjoining lot garage separations of 10.5 feet in lieu of the required 16 feet for building heights between 0 feet and 30 feet. Petitioner also requests a variance to permit window to tract boundary separations of 30 feet in lieu of the required 35 feet for Lots 6, 7, 61, 75, 76 and 100; a side window to side window separation for Lots 1 through 101 of 20 feet in lieu of the required 40 feet; a rear window to rear window variance of 30 feet in lieu of the required 40 feet for Lots 13 through 31; a window to property line separation of 7.5 feet in lieu of the required 15 feet for Lots 1 through 101; and a window to street right-of-way separation of 20 feet in lieu of the required 25 feet for Lots 1 through 5, Lots 8 through 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100. Petitioners also request a variance to permit garage carpet to street separations of 20 feet in lieu of the required 22 feet for Lots 1 through 5, Lots 8

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Date 5/24/91
By [Signature]

through 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100. Petitioners further requested, assuming that the aforementioned variances requests are granted, the following variances for open, unroofed decks or patios to project into required yards as set forth above, all in lieu of the required 25 percent maximum as follows: 1) a window to tract boundary for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, Lots 51 through 55, Lots 67 through 72, Lots 75, 76 and 100 (building setback per variance is 30 feet; variance request of 15 feet in lieu of the required 22.5 feet and normal 26.25 feet); 2) a building to tract boundary variance of 15 feet in lieu of the required 22.5 feet for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, Lots 51 through 55, Lots 67 through 72, and Lots 75, 76 and 100; 3) a window to side lot line variance for Lots 1 through 101 (building setback per variance is 7.5 feet; variance request of 4 feet for decks and 2 feet for patios in lieu of the required 5.63 feet and normal 11.25 feet); 4) a rear lot line variance for Lots 1 through 101 (building setback is 15 feet; variance request of 4 feet for decks and 2 feet for patios in lieu of the required 11.25 feet); 5) and a window to street right-of-way (Winands Road and Future Road Right-of-Way Reserve) variance for Lots 1, 27 through 31, Lots 34 through 38, Lots 50 and 51, Lots 62 through 67, and Lots 96 through 98 (building setback is 25 feet; variance request of 15 feet in lieu of the required 18.75 feet), all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Edward A. Personette, Jr., General Partner, appeared, testified and were represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were Thomas H. Repsher, George E. Gavrelis with Datt-McCune-Walker, Inc., and Warren Epstein, President.

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Pikeswood Civic Association, and nearby property owner. Appearing as an interested party was Max Oppenheimer, a resident of Winands Road. There were no Protestants.

Testimony indicated that the subject property consists of 35.32 acres zoned D.R. 2.5 and is known as Section 11 of the development known as Lyonswood located off of Winands Road. The Lyonswood development consists of 154.17 acres of which 35 acres are attributable to Section 11. Petitioners are desirous of developing the property with 101 single family dwelling units. Petitioners called Thomas Repsher, Director of Land Planning for Datt-McCune-Walker, Inc., with 20 years experience in landscape architecture. Mr. Repsher testified in detail as to each of the variances requested by Petitioners and the overall development plan for Sections 1 and 11 of Lyonswood. Petitioners contend that due to the unique shape of the lots, the areas to be reserved for the future right-of-way and the County Greenway Reservation, the requested variances are necessary. Petitioners noted that the plan had been modified both to address the comments of the surrounding community, many of which have been incorporated in a covenant agreement between Petitioners, the Pikeswood Civic Association and surrounding community, and the Office of Planning. Testimony presented by both Mr. Repsher and Mr. Gavrelis concluded that, in their opinion the granting of the variances will not result in any detriment to the health, safety or general welfare of the community. Petitioners argued to deny same would be unnecessarily burdensome and introduced photographs and a video tape of communities similar in design and nature to that proposed.

Warren Epstein, President of the Pikeswood Civic Association, a development of approximately 200 homes located immediately south of the

proposed site, testified as to their support of the relief requested. He emphasized how long the community and developer had worked together to create a development compatible with the surrounding neighborhood. He indicated that in the opinion of the Pikeswood Civic Association, the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. Mr. Epstein further emphasized that the proposed development of single family homes, as set forth in Petitioner's Exhibit 1, is greatly preferred by the community as being more compatible than the townhouse and condominium development originally proposed by Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The undisputed testimony indicated that Petitioners have worked extensively to design a development that meets the concerns of the abutting established community and the Office of Planning, and is within the spirit and intent of the zoning regulations. The variances are being

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By [Signature]

granted with reservation by the Deputy Zoning Commissioner due to the overwhelming support for the development by the community and the Office of Planning. However, the restrictions hereinafter set forth are being imposed due to the proximity of the houses and use of parhandle lots.

It is clear from the testimony that if the variance are granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.U.D.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1991 that the Petition for Zoning Variance to permit building separations for Lots 1 through 101, inclusive as follows: 1) Building to adjoining lot garage separations of 10.5 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet; 2) Building to building separations of 20 feet in lieu of the required 30 feet for heights between 25 feet and 30 feet, and garage to adjoining lot garage separations of 10.5 feet in lieu of the required 16 feet for building heights between 0 feet and 30 feet; in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions hereinafter set forth; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit window to tract boundary separations of 30 feet in lieu of the required 35 feet for Lots 6, 7, 61, 75, 76 and 100; a side window to side window separation for Lots 1 through 101 of 20 feet in lieu of the required 40 feet; a rear window to rear window variance of 30 feet in lieu

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By [Signature]

of the required 40 feet for Lots 13 through 24; a window to property line separation of 7.5 feet in lieu of the required 15 feet for Lots 1 through 101; and a window to street right-of-way separation of 20 feet in lieu of the required 25 feet for Lots 1 through 5, Lots 8 through 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions hereinafter set forth; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances to permit garage carpet to street separations of 20 feet in lieu of the required 22 feet for Lots 1 through 5, Lots 8 through 11, Lots 14 through 36, Lots 40 through 61, Lots 64 through 66, Lots 68 through 80, Lots 83 through 87, Lots 90 through 93, and Lots 97 through 100, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions hereinafter set forth; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance for open, unroofed decks or patios to project into required yards as set forth above, all in lieu of the required 25 percent maximum as follows: 1) a window to tract boundary for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, Lots 51 through 55, Lots 67 through 72, Lots 75, 76 and 100 (building setback per variance is 30 feet; variance request of 15 feet in lieu of the required 22.5 feet and normal 26.25 feet); 2) a building to tract boundary variance of 15 feet in lieu of the required 22.5 feet for Lots 1 through 4, Lots 6 and 7, Lots 9 and 10, Lots 51 through 55, Lots 67 through 72, and Lots 75, 76 and 100; 3) a window to side lot line variance for Lots 1 through 101 (building setback per variance is 7.5 feet; variance request of 4 feet for decks and 2 feet for patios in lieu of the

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By [Signature]

4) All panhandle driveways and lots contained in the development shall be blacktopped with asphalt paving by Petitioners and/or their successor in interest, prior to the transfer of any lot.

a) On the side opposite the paved panhandle driveway from entrances to Lots 94, 95, 96 and 97, and adjacent to said paved driveway there shall be provided a 10-foot wide grass strip, free of improvements, shrubbery or trees, shall be maintained by all of the owners served by the panhandle driveway for occasional overflow parking the owners served by the driveway or their guests.

b) The right of way for the driveway or car cutting in front of the Moore County, shall be provided along the paved driveway to the grass shoulder by Petitioner and/or their successor in interest.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN: 6.97

ORDER RECALLED FOR FILING

Date 5/31/11
By LP/c

Zoning Commissioner of Baltimore County

E. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: OMDP Section B.V.6.a. pursuant to Section 504 B.C.C.Z.R. to permit Window to Street Right-of-Way Separations of 20' in lieu of the required 25'

E. Variance for Lots 1, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 62, 63, 64, 65, 66, 67, 96, 97, and 98: Window to Street Right-of-Way Winands Road and Future Road Right-of-Way Reserve: Building setback is 25' Variance request of 15' in lieu of the required 18.75'

File

Page 1 of 2

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111 West Chesapeake Avenue
Towson, MD 21204

April 1, 1991

887-3554

John B. Gontrum, Esquire
Romacka, Gontrum, & Hennegan
914 Eastern Blvd
Essex, MD 21221

RE: Item No. 295, Case No. 91-330-A
Petitioner: Blackhorse Run Joint Vent.
Petition for Zoning Variance

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Edward A. Personette
Blackhorse Run Joint Venture
102 West Pennsylvania Avenue, Suite 404
Towson, MD 21204



111 West Chesapeake Avenue
Towson, MD 21204

887-3554

Your petition has been received and accepted for filing this
13th day of February, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Blackhorse Run Joint Venture, et al

Petitioner's Attorney: John B. Gontrum

Office of Planning and Zoning
Baltimore County, Maryland
March 20, 1991

INFORMATION

Project Number: Lyonswood South
II-422
Applicant: Black Horse Run Joint Venture
Location: North of Winans Road between Tulsmere and
Hanwell Roads
Size: 35+ acres
Zoning: D.R.3.5
Units Proposed: 101

SUMMARY AND RECOMMENDATIONS

The Office of Planning and Zoning has reviewed the applicant's requested variance, for the Lyonswood development. This particular development has already undergone community review as a result of development proposed to the north of Horse Head Branch, known as Black Horse Run. As a result of those meetings, density and use of the site were placed within covenants recorded for this parcel (Attachment A). The developer and community agreed that although the actual density was much higher, the developer would propose the use of not more than 115 single-family units.

The high density single-family detached housing on this site resulted from prior negotiations between the developer and community. Placing larger homes on smaller lots has helped reduce density and has resulted in the creation of a single-family development.

ANALYSIS

A. General Information

1. Master Plan: The proposed development is located within the Owings Mills Growth Area of Baltimore County. The 1989 Master Plan states the following regarding this particular area of the county:

received
3/21/91

Lyonswood South, II-422
Page 2
March 20, 1991

- Page 21, Land Use Structure map for the county, and page 92, Western Sector, Land Use Plan map shows this area as suitable for medium density urban residential development.
- Page 41, shows this area as being located within a designated growth area outlined on the Priority Planning Studies map. "The overall purpose was to create a development pattern providing a variety of convenient living, working, and leisure opportunities for people of diverse ages, incomes and interests" (page 46).
- The project area lies directly adjacent to a designated community conservation area (p. 39, Community Conservation and Enhancement Areas map).
- The project is located within an area targeted for upgraded site planning and architectural standards. A series of five policies ranging from landscaping to parks and open space, to infrastructure are outlined on page 77.
- Page 89 of the Master Plan also recommends a higher quality of development and "particular attention to...four other design-related aspects that included 1) proposed development on the lakefront, 2) the stream valley park system, 3) the livability of new residential development areas, and 4) the joint public private development possibilities at the metro stations." In addition, a series of actions to achieve these policies are also outlined.
- Page 91 and 92 target this general area for increased housing opportunities for a wider range of income groups as outlined in Issue: Housing in Owings Mills.

The entire Lyonswood project actually spans Horse Head Branch which roughly divides the site into northern and southern parcels. The density of the overall project which had initially proposed higher density housing for this particular parcel generated a lot of community concern. As a result of a series of meetings between the applicant and the community a series of restrictive covenants was drafted to regulate housing type and density on this particular parcel. In regard to the 1989 Master Plan, the Office of Planning and Zoning finds that:

Lyonswood South, II-422
Page 3
March 20, 1991

- a. The proposed Lyonswood project is respective to the existing development located south of Winands Road which is in a designated community conservation area.
- b. The 1989 Baltimore County Master Plan designates Horse Head Branch as a significant link in the countywide stream valley greenway system. The entire flood plain or the stream buffer, which ever is greater, should be shown as dedicated to Baltimore County as part of the stream valley park system.
The designated greenway area shall be clearly identified and labeled "Baltimore County Greenway Reservation," on the petitioner's approved plat.

2. Community Plan - The proposed development lies within the area designated by the Plan for Owings Mills, adopted by County Council on May 21, 1984. This plan essentially laid the framework for one of the designated growth areas in Baltimore County. The Land Use Plan shows this area as suitable for low-density residential development. One of the goals of the plan states that projects should be "...designed to assure a high standard of development..." (p. 1). General objectives include the following:

- Pages 4-5 structure higher densities to achieve a wider range of objectives. These objectives include "promote accelerated development; emphasize high quality design; and minimize changes of land use adjacent to existing communities and buffer existing development with similar land use wherever possible."
- The plan also outlines land use, open space, circulation, public facilities recommendations.

The proposed development is consistent with the major goals and objectives of this plan. The compact nature of this development seeks to balance the objectives of this plan with a higher density single-family detached housing.

3. Historic Preservation - There are no registered landmark structures on this site.
4. Basic Services - The proposed development is not affected by deficient roads, water, sewer, or schools.

Lyonswood South, II-422
Page 4
March 20, 1991

B. Design

Building - The overall site layout as proposed by the applicant will necessitate in a series of variances. Regarding this particular development, staff evaluated the proposed site's layout conformance with the proposed revisions to the C.M.D.P. and zoning regulations. These changes have been included in Attachment B. The building relationships between each other, streets, and open spaces is appropriate for this type of development. The right-of-way to the Schwenker property should be extended (bulged) to abut this property. Future development from this property should access this road in order to repeat the same layout as proposed in this development.

Panhandle lots are being provided within the proposed development. All panhandle lots should show sample building layouts in order to address location and setback issues. For example, fronts should not face rears of adjoining lots. All panhandle lots within this development are subject to the requirements of County Council Bill No. 172-89.

Panhandle lots should be designed in accordance with the following Office of Planning and Zoning administrative policies:

- to the extent feasible, public roads should be designed to eliminate panhandle lots.
- buildings should be placed symmetrically on the lots to avoid site conflicts.
- building fronts should avoid facing side or rear yard of adjoining lots.
- a provision should be made on the plan to: 1) restrict fencing to no closer than ten (10) feet to the edge of paving; 2) uniform mail boxes and newspaper receptacles; 3) landscape along panhandle drives.

Landscaping - In addition to conformance with the Baltimore County Landscape Manual special treatment is being provided for Winands Road. This treatment should be adequate to provide screening of the development along Winands Road. Until Owings Mills Boulevard is constructed, landscaping of this area should be deferred. It is not known at this point in time to what extent grading of the road will have on the right-of-way. A solution would entail commitment to complete this landscaping when the road is constructed.

Lyonswood South, II-422
Page 5
March 19, 1991

Signage - All signage should be in compliance with the B.C.Z.R. Variances to these regulations are generally not supported by staff.

LYONSWOOD.D/TXTCMH



401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

February 15, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 289, 291, 293, 295, 296, 303, 304, 306, 308 and 309.

Very truly yours,

Michael S. Flanigan
for Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvd

received
3/7/91



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

FEBRUARY 6, 1991

(301) 887-1500

2. Petition Petitioner
Senior Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: PROPERTY OWNER: BLACKHORSE RUN JOINT VENTURE (LYONSWOOD SOUTH)

LOCATION: N/S WINANDS ROAD

ITEM NO.: 295 DATED: FEBRUARY 12, 1991

Comments:

Further to your request, the referenced property has been surveyed by this Bureau and the contents below are applicable and required to be collected or have been added into the final plans for the property.

5. The buildings and structures existing as proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 303 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED BY: [Signature] Noted and Approved by: [Signature]
Fire Prevention Bureau
Special Inspection Division

01/11/91

REC-1
2/6/91

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee DATE: February 8, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments are still applicable. The Developer is cautioned that no permanent type construction is allowed over a County utility easement.

For Item 289, this site is subject to comments by the Maryland State Highway Administration.

For Item 298, the previous County Review Group comments are still applicable.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

July 24, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Winands Road, 590' E of the c/l of Tulsemere Road
(Lyonswood South)
2nd Election District, 2nd Councilmanic District
BLACKHORSE RUN JOINT VENTURE - Petitioner
Case No. 91-330-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 1991 by Max Oppenheimer (Appeared as an interested party). All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Edward A. Personnette, Jr. - Blackhorse Run Joint Venture
102 West Pennsylvania, Towson, MD 21204

John B. Gontrum, Esquire - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Essex, MD 21221

Thomas H. Repsher, 200 E. Pennsylvania Avenue, Towson, MD 21204

George E. Gavrelis - Daft-McCune-Walker
200 E. Pennsylvania Avenue, Towson, MD 21204

Appeal Cover Letter - Case No. 91-330-A
BLACKHORSE RUN JOINT VENTURE (Lyonswood South) - Petitioners
July 24, 1991
Page 2

Warren Epstein - Pikeswood Civic Association
9405 Tulsemere, Randallstown, MD 21133

Max Oppenheimer, 9505 Winands Road (RR#2), Owings Mills, MD 21117

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance
N/S Winands Road, 590' E of the c/l of Tulsemere Road
(Lyonswood South)
2nd Election District - 2nd Councilmanic District
BLACKHORSE RUN JOINT VENTURE - Petitioner
Case No. 91-330-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. & 2. Plan and Plat to accompany petition
& Alternative detached garage layout

3. CRG Plan Lyonswood

4. CRG Comments

5. CRG Plan (Sheets 1 - 7)

6. Restrictive Covenant Agreement

7. Video Tape

8. Alternative Study "A" (Sheets 1 - 4)

Deputy Zoning Commissioner's Order dated May 30, 1991 (Granted w/
Restrictions)

Notice of Appeal received June 28, 1991 from Max Oppenheimer (Appeared
as an interested party)

cc: Edward A. Personnette, Jr. - Blackhorse Run Joint Venture
102 West Pennsylvania, Towson, MD 21204

John B. Gontrum, Esquire - Romadka, Gontrum & Hennegan
814 Eastern Boulevard, Essex, MD 21221

Thomas H. Repsher, 200 E. Pennsylvania Avenue, Towson, MD 21204

George E. Gavrelis - Daft-McCune-Walker
200 E. Pennsylvania Avenue, Towson, MD 21204

Appeal Checklist - Case No. 91-330-A
BLACKHORSE RUN JOINT VENTURE (Lyonswood South) - Petitioners
July 24, 1991
Page 2

Warren Epstein - Pikeswood Civic Association
9405 Tulsemere, Randallstown, MD 21133

Max Oppenheimer, 9505 Winands Road (RR#2), Owings Mills, MD 21117

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 6, 1991

Mr. Mordecai Bennett
9339 Edway Circle
Randallstown, MD 21133

RE: Case No. 91-330-A
Blackhorse Run Joint Venture

Dear Mr. Bennett:

In response to your telephone request, enclosed is a copy of the Deputy Zoning Commissioner's decision dated May 30, 1991 regarding the subject matter which has been appealed to this Board.

Should you have any further questions, please don't hesitate to call me at 887-3180.

Sincerely,

[Signature]
Kathleen C. Weidenhammer
Administrative Assistant

encl.

9/6/91 - Following parties notified of hearing set for January 23, 1992 at 10:00 a.m.:

Mr. Max Oppenheimer
John B. Gontrum, Esquire
Mr. Edward A. Personnette, Jr.
Blackhorse Run Joint Venture
Mr. Thomas H. Repsher
Mr. George E. Gavrelis
Mr. Warren Epstein - Pikeswood Civic Assoc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration

1/22/92 - FAX copy of letter dated 1/22/92 from Max Oppenheimer, Appellant, to Board requesting dismissal of appeal w/attachment.

1/22/92 - FAX copy of letter from John B. Gontrum, Esquire, to Mr. Oppenheimer regarding show communication and protesting Board's placement of above in record; Mr. Gontrum to be present in hearing room on scheduled date of 1/23/92 at 10:00 a.m.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. September 6, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-330-A

BLACKHORSE RUN JOINT VENTURE
N/S Winands Rd., 590' E of c/l
Tulsemere Rd. (Lyonswood South)
2nd Election District
2nd Councilmanic District

VAR-Building/window separations, etc.;
setbacks; decks; right-of-way setbacks;
etc.

5/30/91 - D.Z.C.'s Order GRANTING Petition
with restrictions.

ASSIGNED FOR: THURSDAY, JANUARY 23, 1992 at 10:00 a.m.

cc: Mr. Max Oppenheimer - Protestant/Appellant

John B. Gontrum, Esquire - Counsel for Petitioner

Mr. Edward A. Personnette, Jr. -
Blackhorse Run Joint Venture

Mr. Thomas H. Repsher

Mr. George E. Gavrelis
Mr. Warren Epstein - Pikeswood Civic Assoc.
People's Counsel for Baltimore County

P. David Fields

Pat Keller

Public Services

J. Robert Haines

Timothy M. Kotroco

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon-Director of
Zoning Administration

Linda Lee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

OLD COURTHOUSE
600 WASHINGTON AVE.
TOWSON, MD 21204
(301) 887-3180

January 23, 1992

Mr. Max Oppenheimer
9505 Winands Road (RR#2)
Owings Mills, MD 21117

RE: Case No. 91-330-A
Blackhorse Run Joint Venture

Dear Mr. Oppenheimer:

Enclosed please find a copy of the final Opinion and Order

issued this date by the County Board of Appeals of Baltimore County
which dismisses the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Edward A. Personnette, Jr.
John B. Gontrum, Esquire
Richard Rubin, Esquire
Thomas H. Repsher
George E. Gavrelis
Warren Epstein
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Gene Neff, Director
Public Works

DATE: January 18, 1991

David P. Fields, Director
Office of Planning and Zoning

FROM: C. A. Dutch Ruppersberger, III
Councilman, Third District

SUBJECT: Lyonswood CRG Hearing

Pursuant to conversations with my Legislative Aide, Christine Botta, who attended the CRG Hearing for Lyonswood (formerly Black Horse Run) located on Winands Roads, it is my understanding that approval for this project has been granted.

In this regard, based on my discussion with my Aide, I have some concerns that all parties were not in complete agreement as to all the requirements. I am confident that normal procedures will be followed and the CRG Plan will not be signed by the Department of Public Works and Office of Planning and Zoning until the following requirements have been fulfilled.

1. A Zoning Commissioner's Hearing for all the necessary variances is held and a decision made by the Zoning Commissioner's Office.
2. DEPRM, Storm Management Section, is fully satisfied with the revised plan, drainage maps, and calculations.
3. The radius of the curve in Winands Road is designed for a 40 mph speed limit.

It is not my policy to intervene in the CRG process, however, when I see the potential for problems I believe it is important that I make certain comments. In the past I have had a stormwater management pond fail in a subdivision in my district. Because of that experience, I am especially sensitive to this problem and believe it would save everyone concerned unnecessary aggravation, time and expense if it is done right the first time.

I am cognizant of and appreciate the time and effort everyone has put forth in refining this plan which creates continuity between the existing and newly proposed community.

CADR:ml

cc: Black Horse Run Joint Venture
Deft-McCune-Walker
The Honorable Roger B. Hayden
Pat Keller, Deputy Director, OPZ
Robert Covashey, Chief, Bureau of Public Services
Robert Haines, Zoning Commissioner
Robert Wood, DEPRM SWH
Kehim Famili, Traffic Engineering
Danny Logan, Developers Engineering Division

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 1/10/91
PRE-CRG DATE: 12/21/90

PROJECT NAME: Lyonswood South
(Formerly approved as a portion
of Black Horse Run, 5/25/89)

PLAN: 12/6/90

LOCATION: NE/S Winands Road,
opposite Tulsemere Road

REV.: 12/31/90 REV.:

DISTRICT: 2c3

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The revised plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify many obvious conflicts with the Baltimore County Zoning Regulations and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts in accordance with the comments. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan by a lot priority chart under "Zoning Public Hearing Requests". The assistance received at the time of filing zoning petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of any public hearing requests:

1. CONTINUED MEETING RECOMMENDED -- Due to the obvious severity and extent of the zoning variances required for approval of the plan as presented, the Zoning Office strongly recommends a continuance of the C.R.G. meeting until such time as either: a modified plan is presented to the C.R.G. that would be in conjunction with and not conflict with current required bulk and separation requirements or the C.R.G. plan would be in conjunction with a plan that was approved by the Zoning Commissioner after a finding of practical difficulty or unreasonable hardship pursuant to Section 307 B.C.Z.R..

BA **Advisory -- "Under the authority of Section 307, B.C.Z.R., The Zoning Commissioner has the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases:

- a. Where strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. The court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Branch, 22 Md. App. 28, stated:

CRG: Lyonswood South
CRG Date: 1/10/91
Pre-CRG Date: 12/21/90
Page 2

1. "To prove undue hardship for a use variance, the following three criteria must be met:
(i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
(ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
(iii) HANDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS
2. To provide practical difficulty for an area variance, the following criteria must be met:
(i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
(ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
(iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. "..."

BA 2. ZONING VARIANCES - REQUIRED FORMAT AND PLANS -- Zoning variance applications will be only accepted as a lot specific request as shown on a LOT PRIORITY CHART not a relief priority list or blanket variance request as attached to the C.R.G. plan. The chart must list lots #1 - as the primary reference category with B.C.Z.R. SECTION, ORIENTATION, DESCRIPTION, PROPOSED QUANTITY, AND REQUIRED QUANTITY as a cross/quick reference category for each lot. Also, all variance requests pursuant to Section 301.1 must be based on the REQUIRED PRINCIPAL BUILDING SETBACK not the proposed variances principal building setback. The variance requests must include scale, dimensioned, height diagrams including the component building heights and all anticipated facing elevation profiles that require a variance and are proposed in the subdivision. The required building separation profile that represent the facing elevations that will not require a variance must also be shown on the plan. Include window locations and all anticipated dwelling front orientations on the conceptual and typical building plans. Include accurate labeled proposed decks, deck options, garage and garage option locations on all variances building lots on the conceptual building plan. Dimension all lines of subdivision that do not conform to the typical.

BA 3. AMENDED FINAL DEVELOPMENT PLAN REQUIRED-- The final development plan of Section I, must be amended pursuant to Section 1801.3.A.7 (B.C.Z.R.) prior to final zoning approval to alleviate any and all discrepancies between the approved provisory Section and the proposed layout of Section II.

BA 4. SHARED DRIVEWAYS, PARKING -- The seven sets of shared driveways must be designed to provide ample outside vehicle parking and maneuvering so as not to conflict with any other dwelling access or property line and to provide an equally divided fee street access with recorded easements. On the multi-driveway courts, serving multiple dwelling driveways it is unclear where the overflow and visitor parking in addition to the required parking would be permitted to park.

CRG: Lyonswood South
CRG DATE: 1/10/91
PRE-CRG DATE: 12/21/90
PAGE 3

5. EXISTING DWELLING, BUILDINGS & PARCEL "A" -- Note on the plan print and in the notes and specifically confirm all buildings to be razed, when, and who will be responsible. Include parcel "A" as a zoning dwelling unit utilized in the density calculations.
BA 6. GENERAL-- Zoning policy S-5 must be included on the plans. Also include the typical floor plans with square footages and use areas indicated on the final development plan.
BA 7. Final zoning approval is contingent first, upon comment (1) and all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of the requested zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

W. CARL RICHARDS, JR.
Zoning Coordinator

CATHERINE A. MILTON
Planner I

WCR:jaw

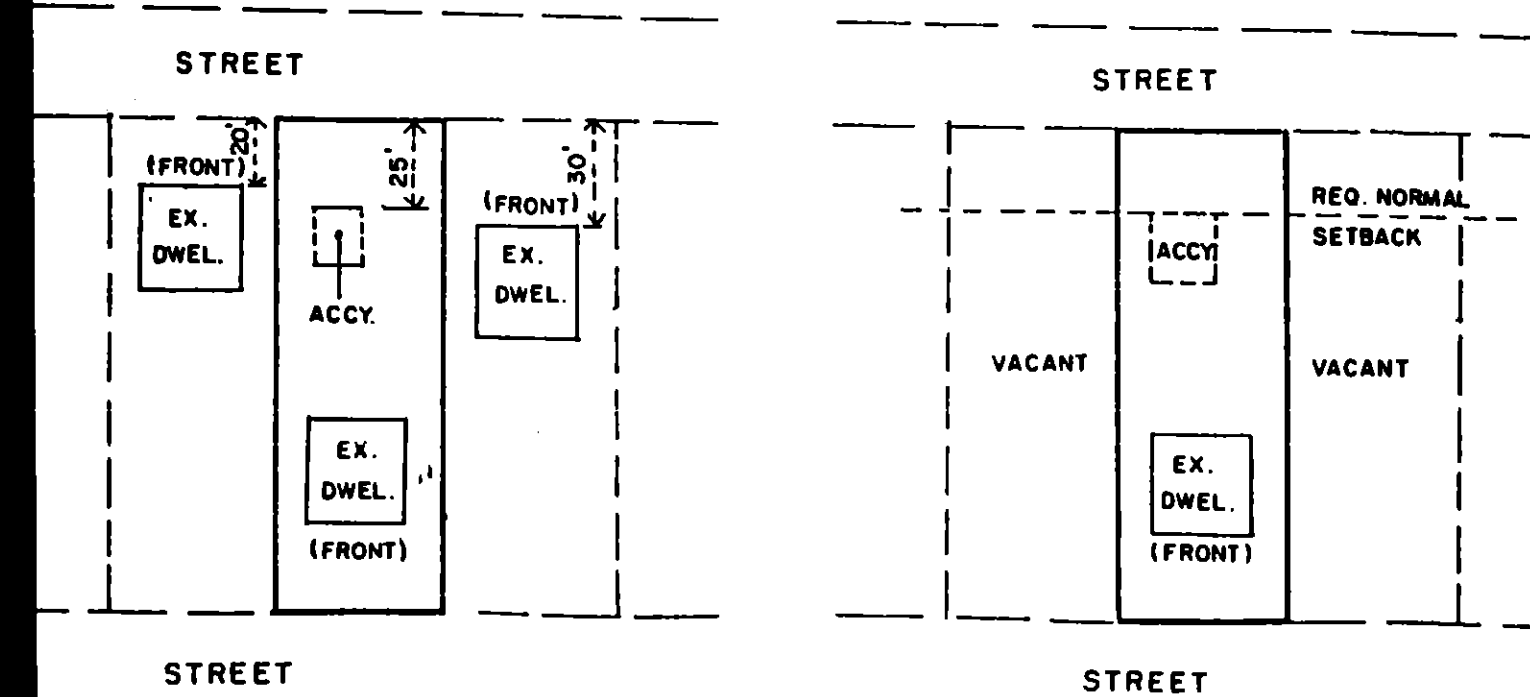
S-5 DOUBLE FRONTAGE LOTS

A. Definition:

A lot that fronts two parallel streets, one at each end, as compared to a corner lot which is situated at the intersection of two streets.

B. Policy:

Proposed construction including accessory structures on double-frontage lots shall not be situated closer to a street right-of-way line than the setback required for a principal dwelling. In instances where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback. Applicants who feel that maintaining this setback creates a hardship may apply for a variance to the front street setback requirement for the Zone in which they are located.



Note to Ann or Bob:

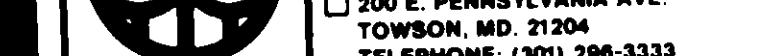
The petition was supposed to present a modified plan of all the lots with proposed building envelopes if no variances were granted or by fully complying with the B.C.Z.R. Also, the petition requested open projection variances per Section 301.1, but they were requested on variances principal building setbacks; not required principal building setbacks. For further clarification, see the CRG comments which are circled in red.

Mitch Kellman

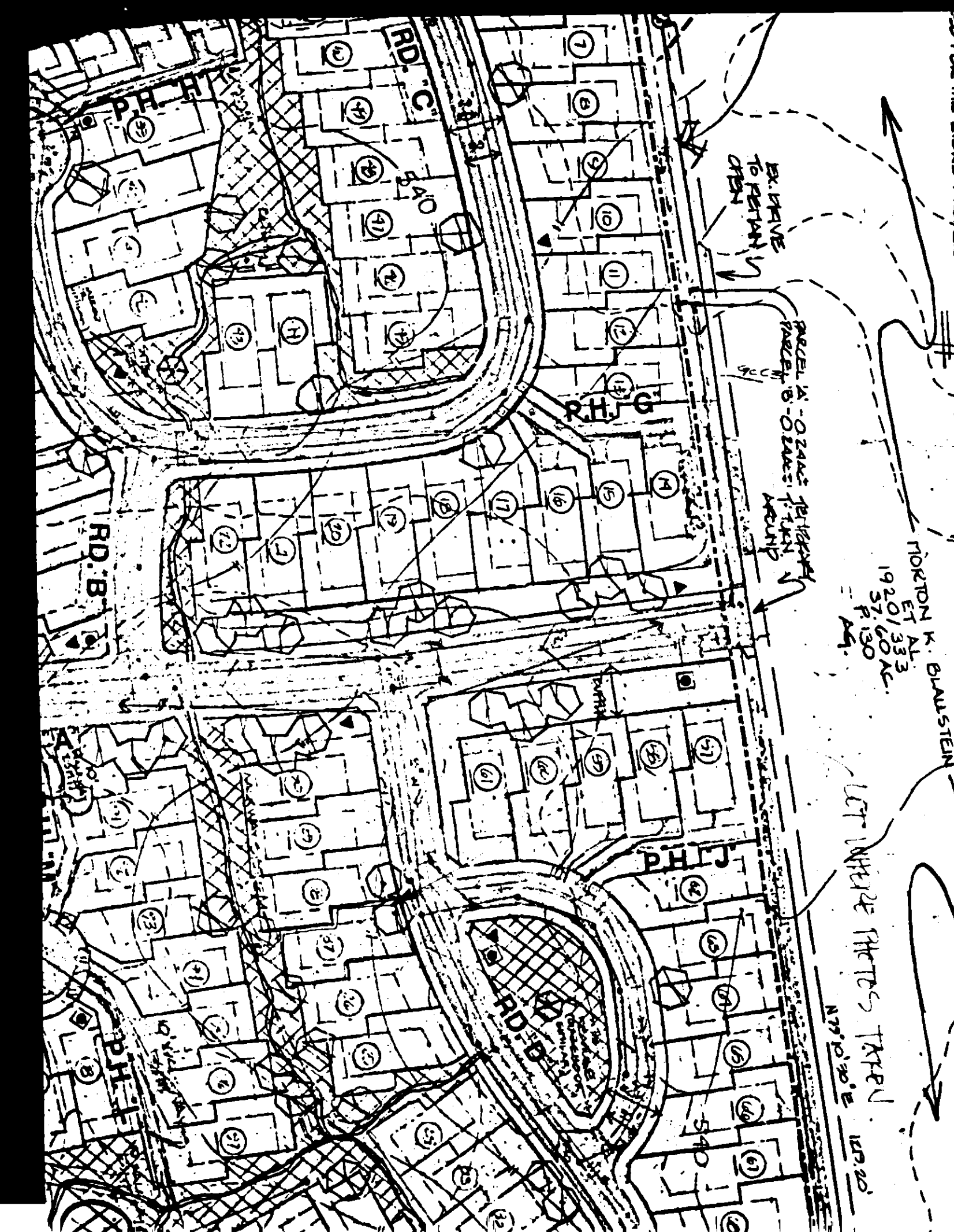
cc: John Gontrum, Esq

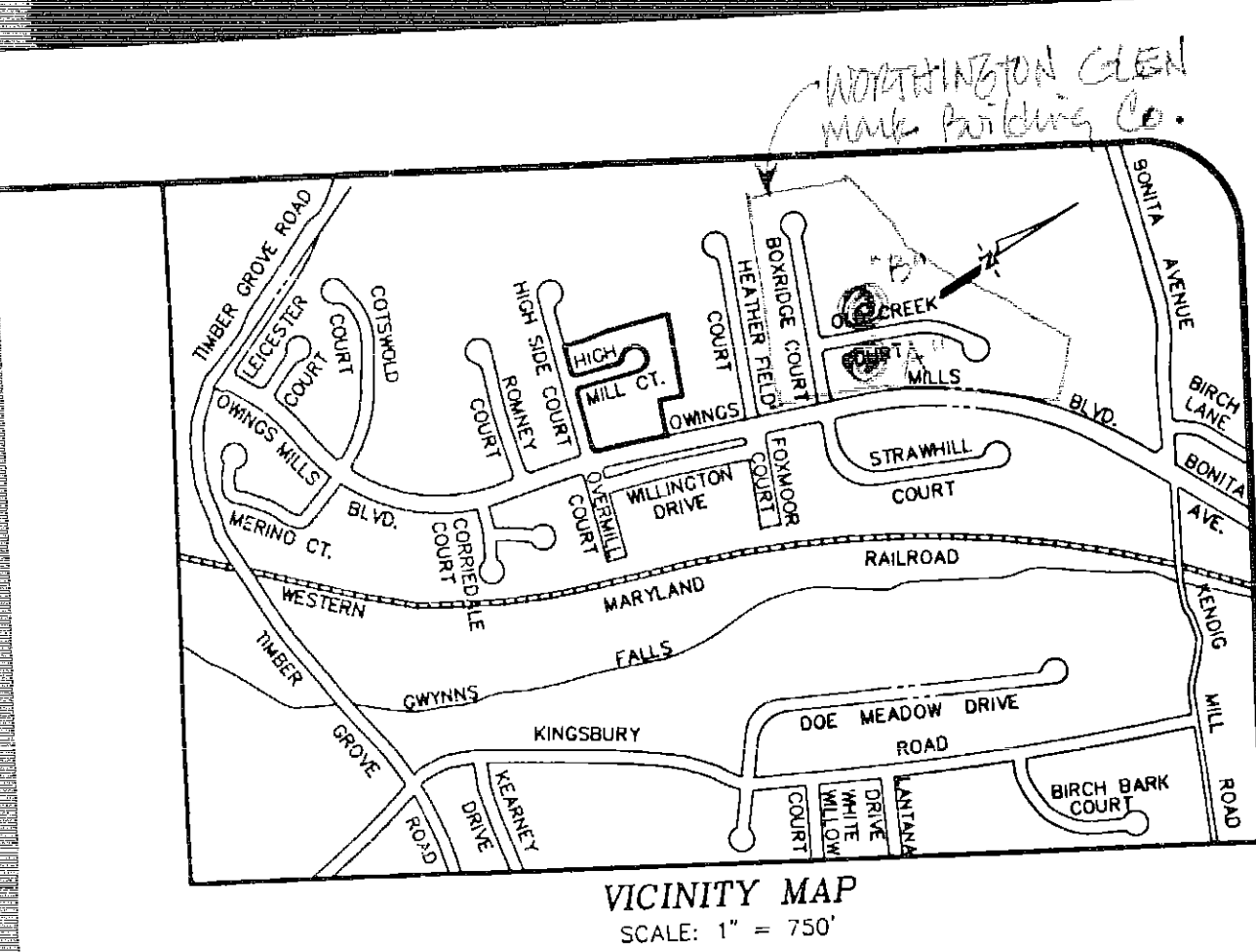
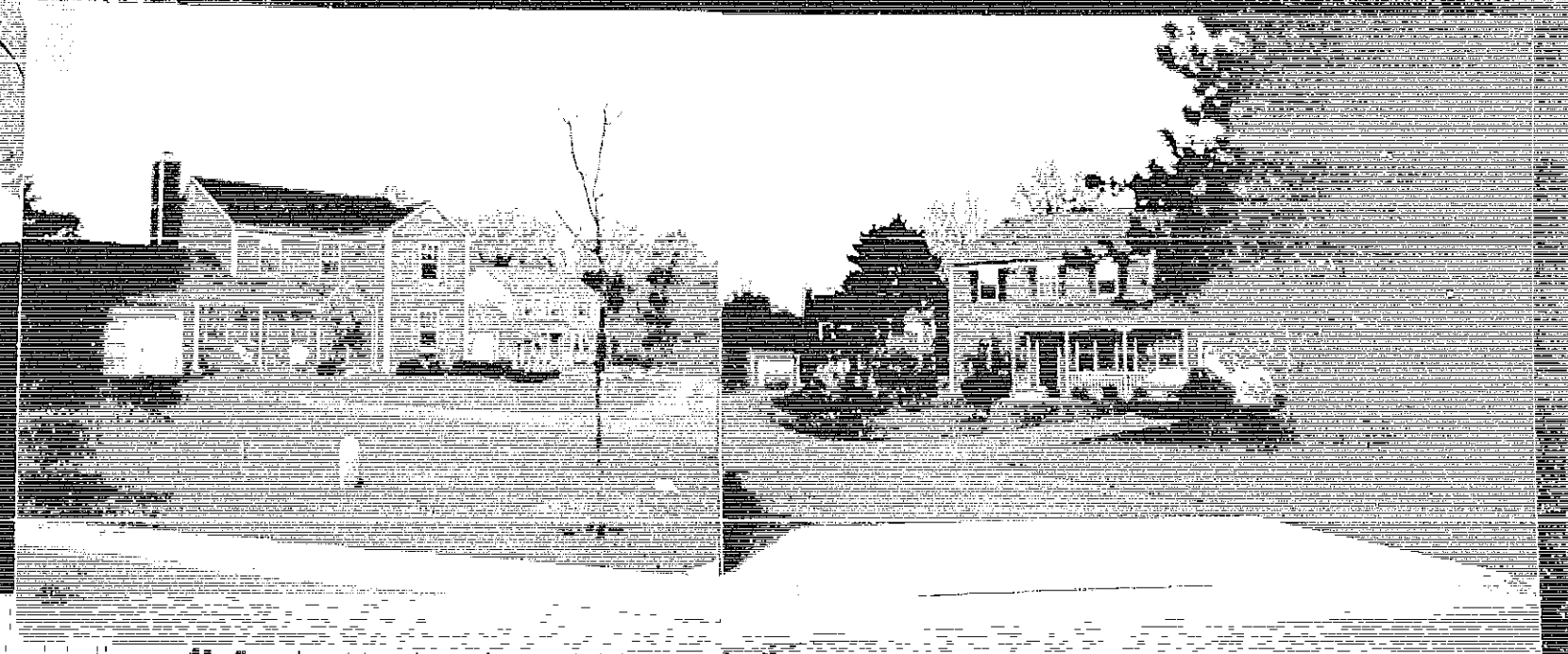
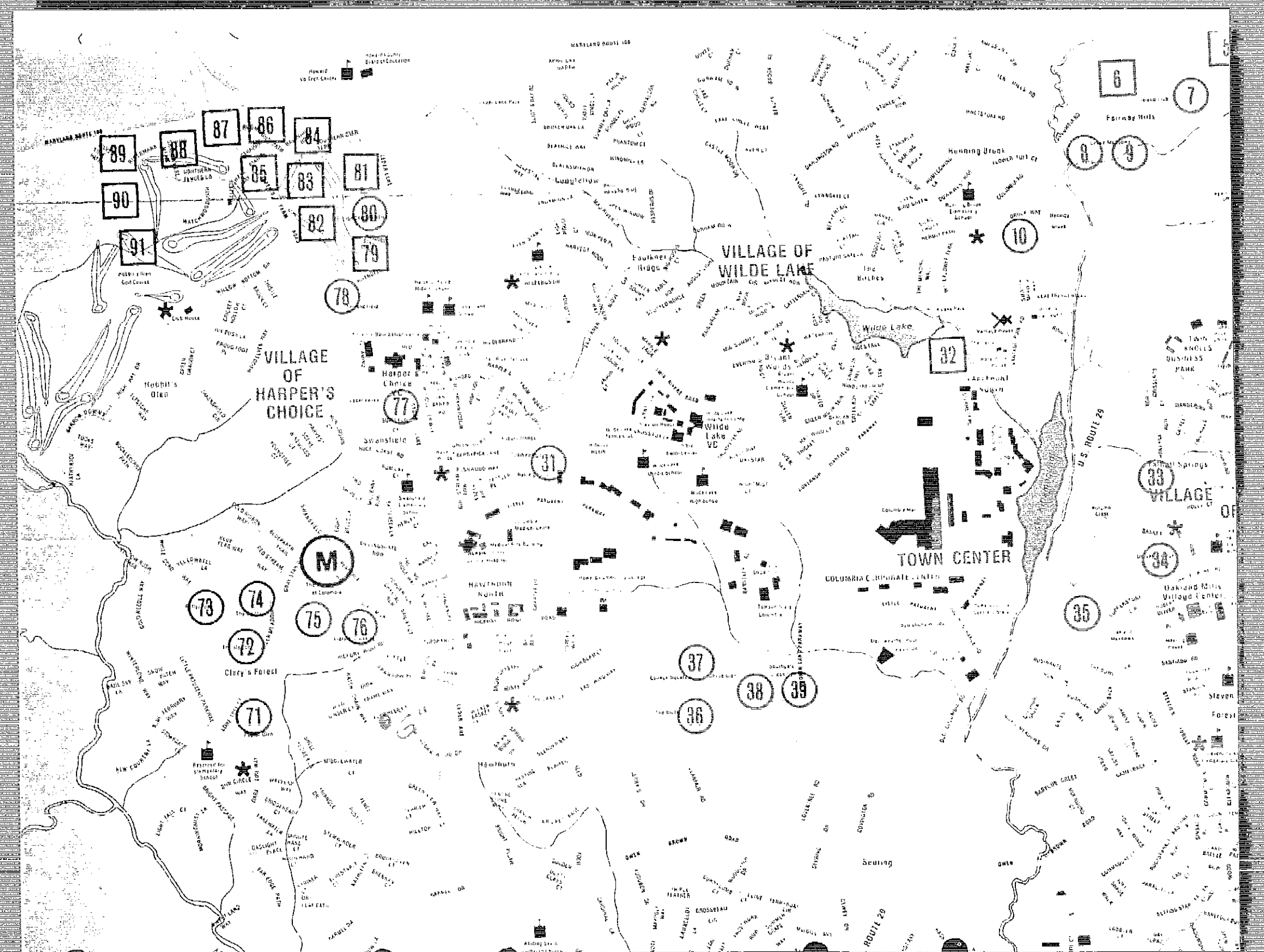
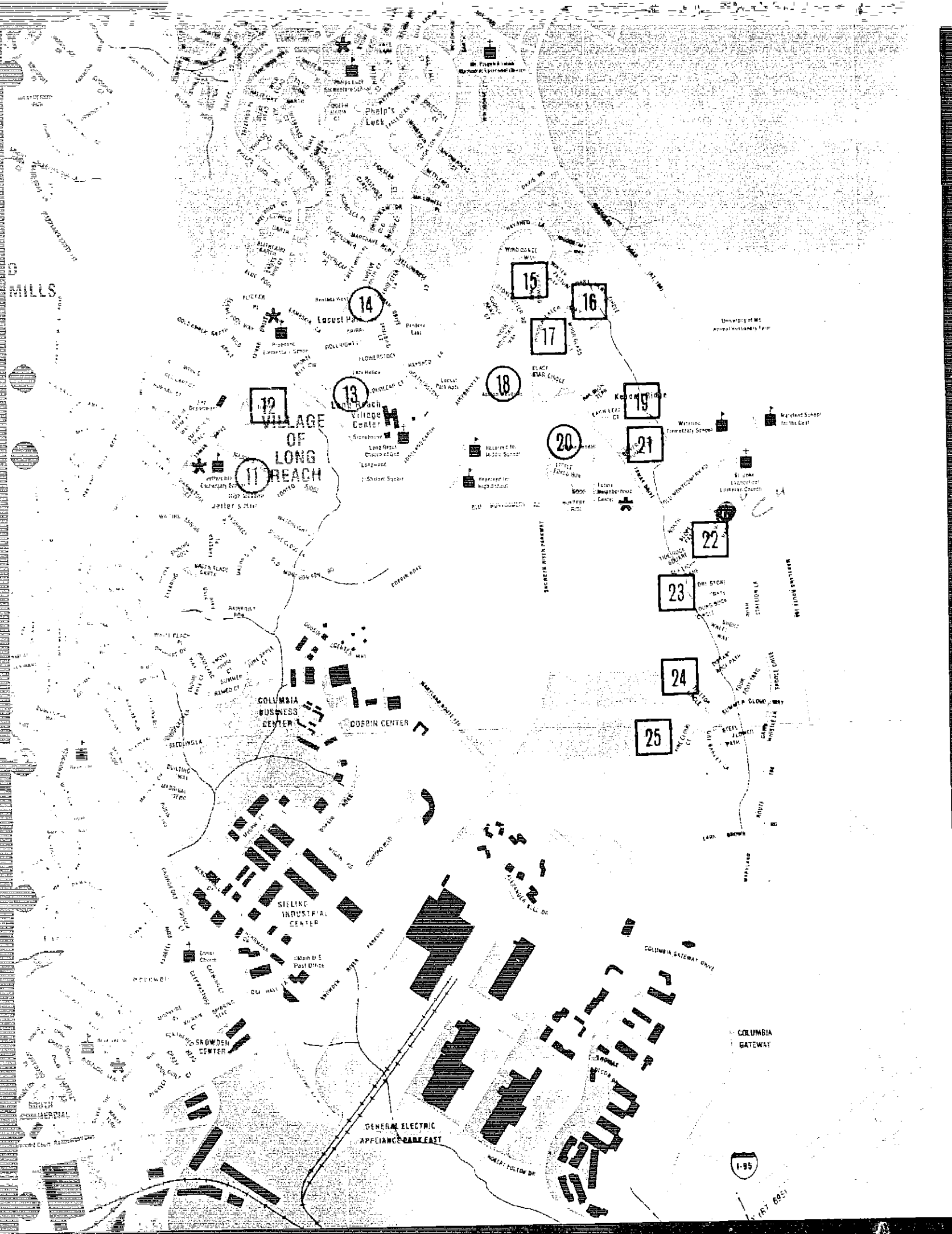
1998

Envelope 1



THE CARROLL

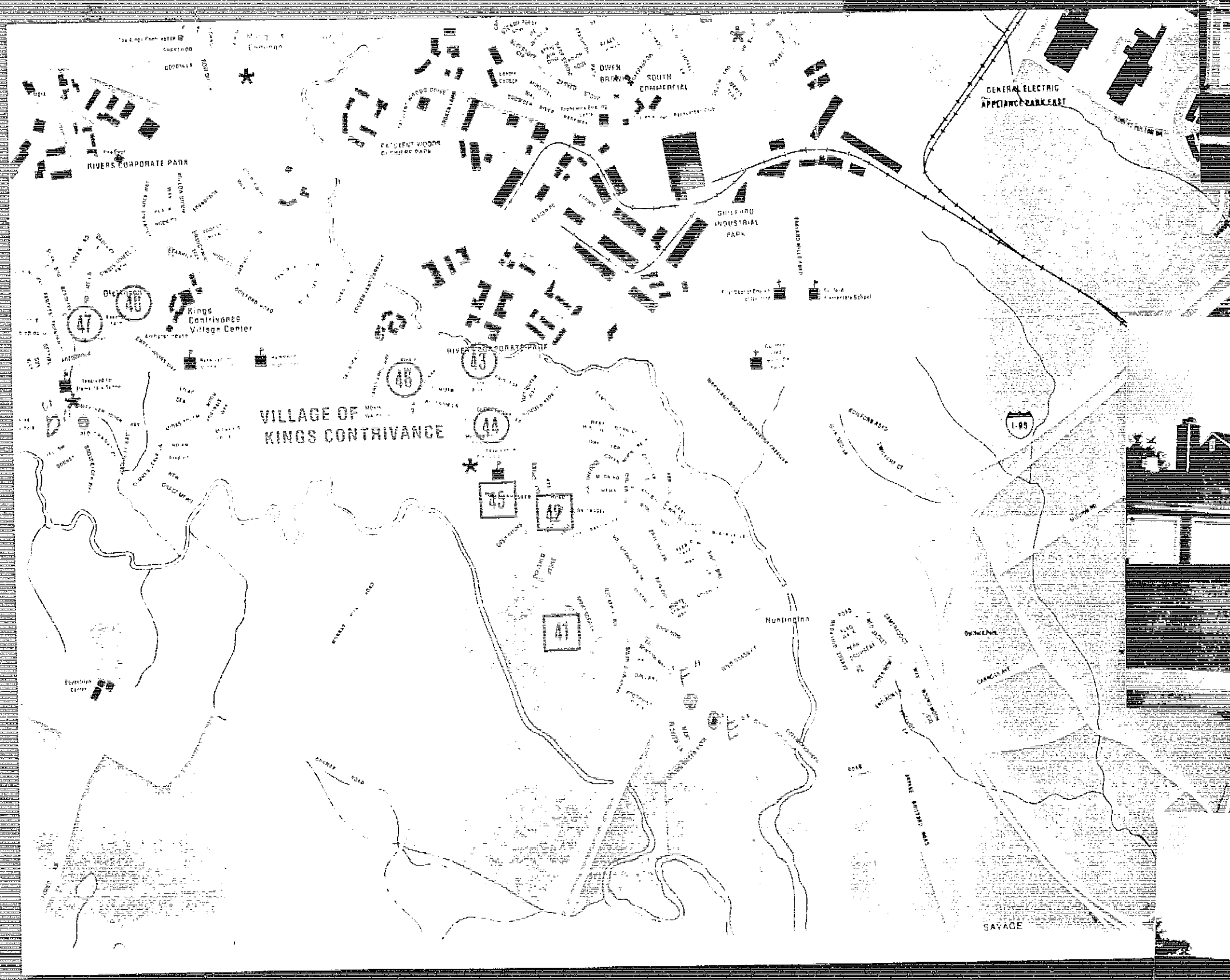




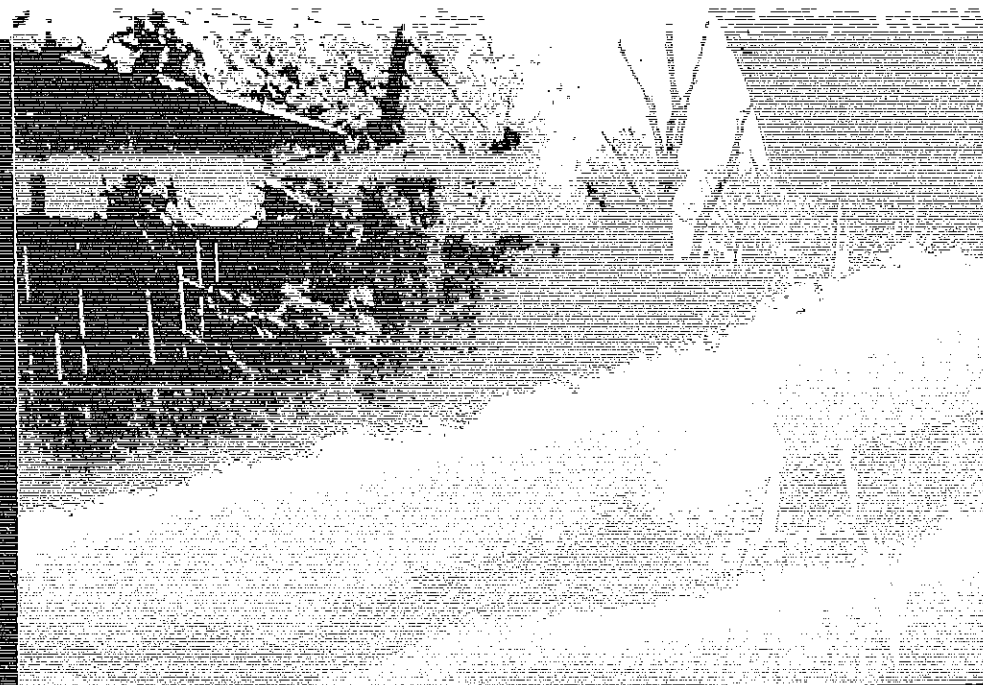
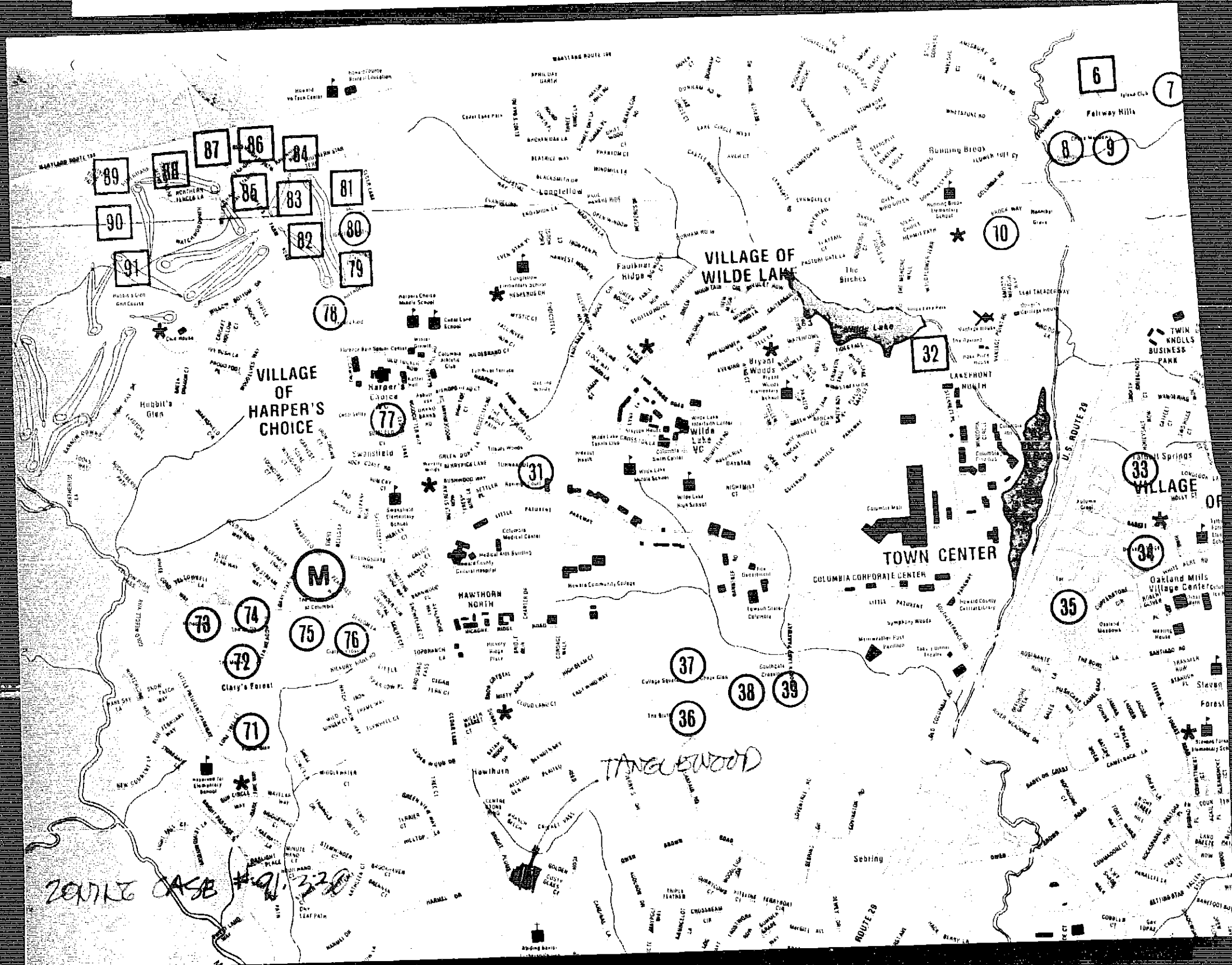
OWNED ON RESTRICTED SIDE LISTED. RIGHT, LEFT ADJACENT FACING ENTRANCE)
 ADJUSTED FOR LOT SIZE MINUS HOUSE PRINT AND DRIVE SURFACE.
 ON AT RIGHT OF WAY, FOLLOWED BY WIDTH OF DRIVE.
 OR CENTER OF DRIVE AT RIGHT OF WAY.
 INCH WIDTH BY LINEAR FRONTAGE.
 SPOND TO THE FOLLOWING:
 ELEVATION (SEE ARCH. PLANS FOR DETAILS)
 GRADE AT BASE OF PORCH (SEE ARCH. PLANS FOR DETAILS)
 & AT EQUAL INTERVALS.
 CALCULATED FROM THE WEATHER SEAL AT THE GARAGE TO APRON AT THE ROAD.
 IN AND SEWER CONNECTIONS ARE IN FEET.
 SEWER CONNECTION IS LISTED ON CHART.
 FROM HARFORD AERIAL TOPOGRAPHY DATED JUNE 21, 1990.
 FROM MILDBERG, MOCHI & ASSOC. RECORD PLAT DATED MARCH 31, 1989.
 LOCATION THE CONTRACTOR SHALL COORDINATE
 UTILITIES WITH THE APPROVED SEDIMENT CONTROL
 PLAN, MOCHI & ASSOC.
 VERIFY LOCATIONS OF ALL EXISTING UTILITIES.
 WORK.

PROJECT: 88033-00
 DATE: AUG. 90
 ENGINEERING: RFB
 ILLUSTRATION: SHD
 SCALE: 1" = 80'

11/16/90
 CIVIL
 TOPOGRAPHY



Zoning Case No. 91-330
"Fence, deck & patio"
Cobblestone, Baltimore County
Tanglewood, Columbia
Envelope 2



BALTIMORE COUNTY, MARYLAND
SUBJECT: COMMENTS
COUNTY REVIEW GROUP (CRG) Pro CRG Date: 12/21/93
CRG Date: 1/10/94
CRG Time: 9:00 a.m.

DATE: January 3, 1991

FROM: Office of Planning and Zoning

PROJECT NAME: LYONSWOOD SOUTH
PROJECT NUMBER: II-422

INFORMATION

Project Number: Lyonswood South
II-422
Applicant: Black Horse Run Joint Venture
Location: North of Winands Road between
Tulswere and Hanwell Roads
Size: 35+ acres
Zoning: D.R.3.5
Units Proposed: 101

SUMMARY AND RECOMMENDATIONS

The Office of Planning and Zoning has reviewed the applicant's proposal for the Lyonswood development. This particular development has already undergone community review as a result of development proposed to the north of Horse Head branch, known as Black Horse Run. As a result of those meetings, density and use of the site were placed within covenants recorded for this parcel (Attachment A). The developer and community agreed that although the actual density was much higher, the developer would propose the use of not more than 113 single-family units.

The high density single-family detached housing on this site resulted from prior negotiations between the developer and community. Placing larger homes on smaller lots has helped reduce density and has resulted in the creation of a single-family development. If the CRG is to be approved, prior to a hearing by the zoning commissioner, than the following exhibits should be provided in addition to the usual CRG requirements, and include information that would ordinarily be presented and reviewed by the county at the time

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT, made this 17th day of January, 1990, by and between BLACKHORSE RUN JOINT VENTURE (hereinafter referred to as "Developer"), its heirs, successors in interest and assigns, party of the first part, and THE PIKESWOOD CIVIC ASSOCIATION, INC., WARREN EPSTEIN, FREDERICK SCHWENKER, FREDERICK S. LEE, AND FREDERICK YAFFE, their heirs, successors in interest and assigns (hereinafter collectively referred to as the "Community"), parties of the second part.

WHEREAS, the Developer is the owner of two parcels of property, consisting of 154.2 acres, more or less, located between Lyons Mill Road and Winands Road in the Third Councilmanic District of Baltimore County; and

WHEREAS, the Community has concerns about the environment and the density and type of development on the two parcels of property; and

WHEREAS, CRG approval has been sought for the 121 acre parcel, and County approval has been appealed by the Community to the Board of Appeals of Baltimore; and

WHEREAS, the Developer is interested in proceeding with development of the 33 acre parcel as well as with the 121 acre parcel; and

WHEREAS, the parties are interested in reaching agreement on the future development of both of the parcels, and intend to mutually cooperate through the Baltimore County Development process for the development thereof

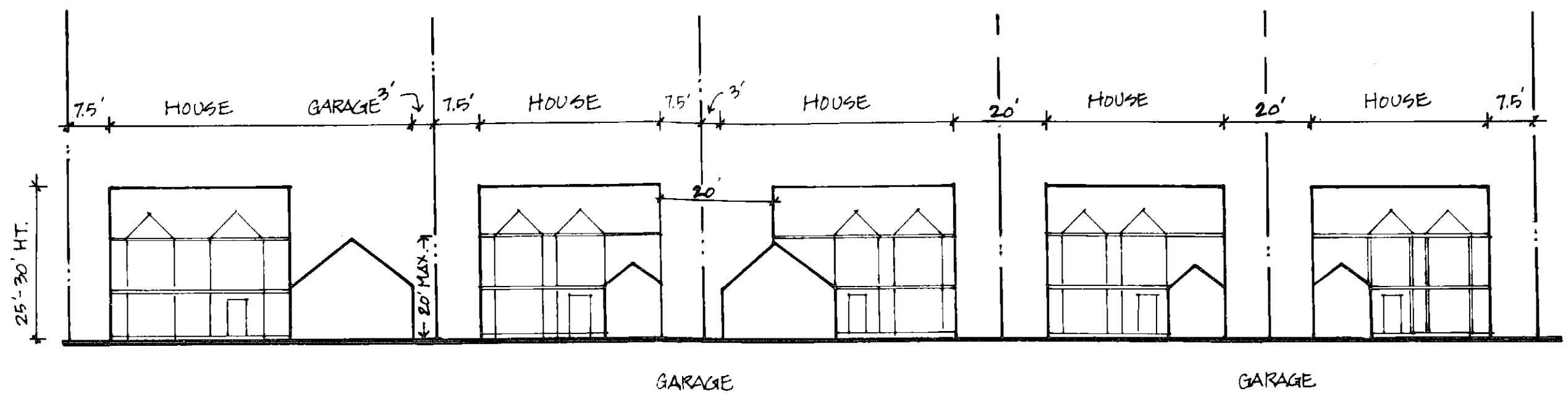
Petitioner's Exh #7 (Video tape)
91-330-A
Blackhorse Run Joint Venture

LISTING OF VARIANCES BY TYPE AND LOT

LOT #	PART I						PART II				
	A	B	C1	C2	D	E	A	B	C	D	E
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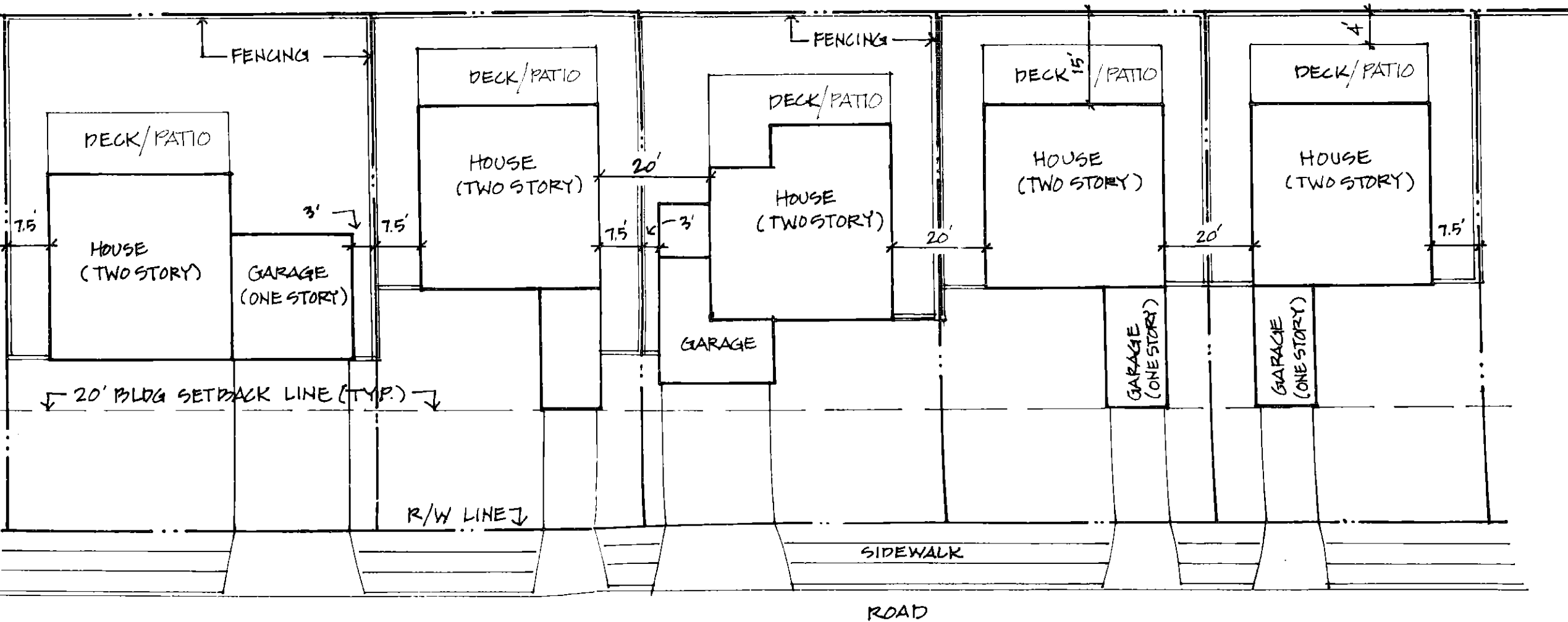
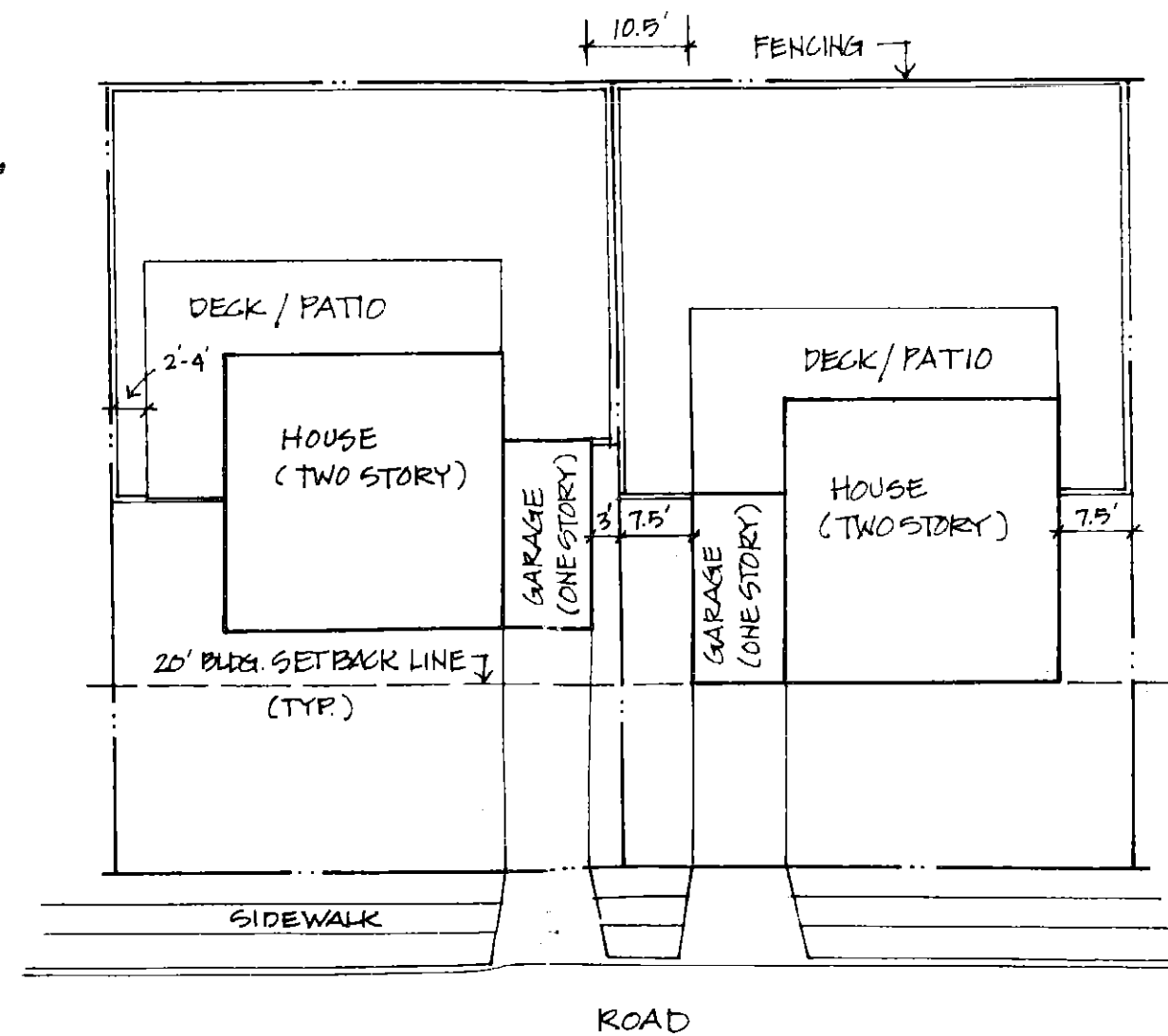
LOT #	PART I						PART II				
	A	B	C1	C2	D	E	A	B	C	D	E
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Variances requested for each lot



BUILDING HEIGHTS/SETBACKS

SCALE: 1" = 20'



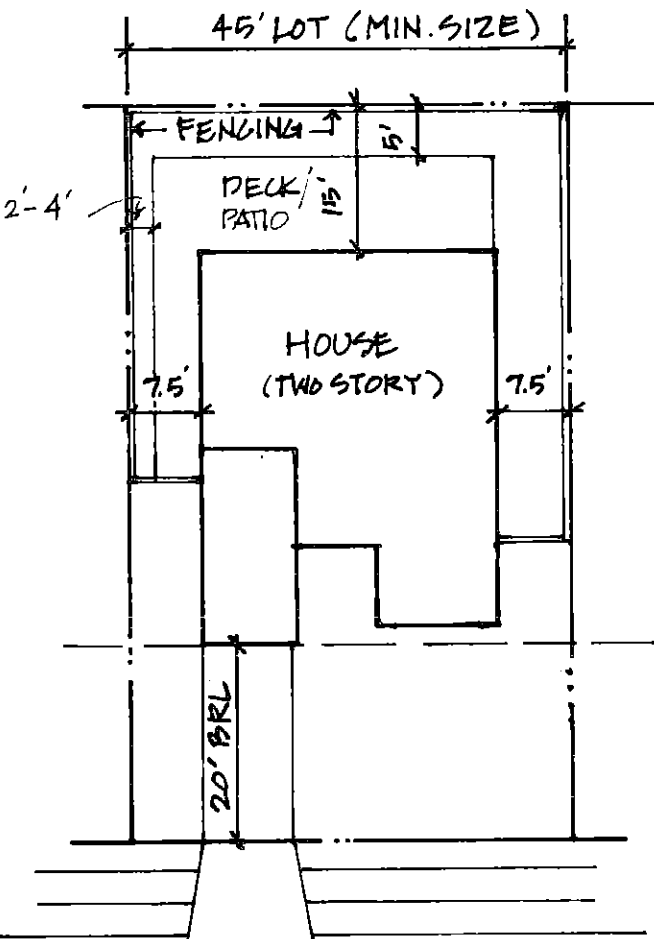
BUILDING SETBACKS

SCALE: 1" = 20'

Lyonswood Section 2
Job No. 89143.A
Listing of Variances Requested

- Part I. A. Variance for building separations for Lots 1 - 101 inclusive as follows: Section 1801.2.C.1 B.C.Z.R. and CMPD Section V.B.3 pursuant to Section 504 B.C.Z.R. for Building Separations as follows:
- Buildings to Adjoining Lot Garage: 10.5' separation in lieu of the required 30' for heights between 25' and 30';
 - Building to Building: 20' separation in lieu of the required 30' for heights between 25' and 30';
 - Garage to Adjoining Lot Garage: 10.5' separation in lieu of the required 16' for heights between 0' and 20';
- B. Variance for Lots 6, 7, 67, 75, 76, and 100: Section 1801.2.C.2.a B.C.Z.R. and CMPD Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separations of 30' in lieu of the required 35'
- C. Section 1801.2.C.2.b B.C.Z.R. and CMPD Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window Separations as follows:
- Variance for Lots 1 - 101: Side Window to Side Window: 20' separation in lieu of the required 40' for lots;
 - Variance for Lots 13 - 24: Rear Window to Rear Window: 30' separation in lieu of the required 40';
- D. Variance for Lots 1 - 101: CMPD Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation of 7.5' in lieu of the required 15'
- E. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: CMPD Section V.B.6.a pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way Separations of 20' in lieu of the required 25'

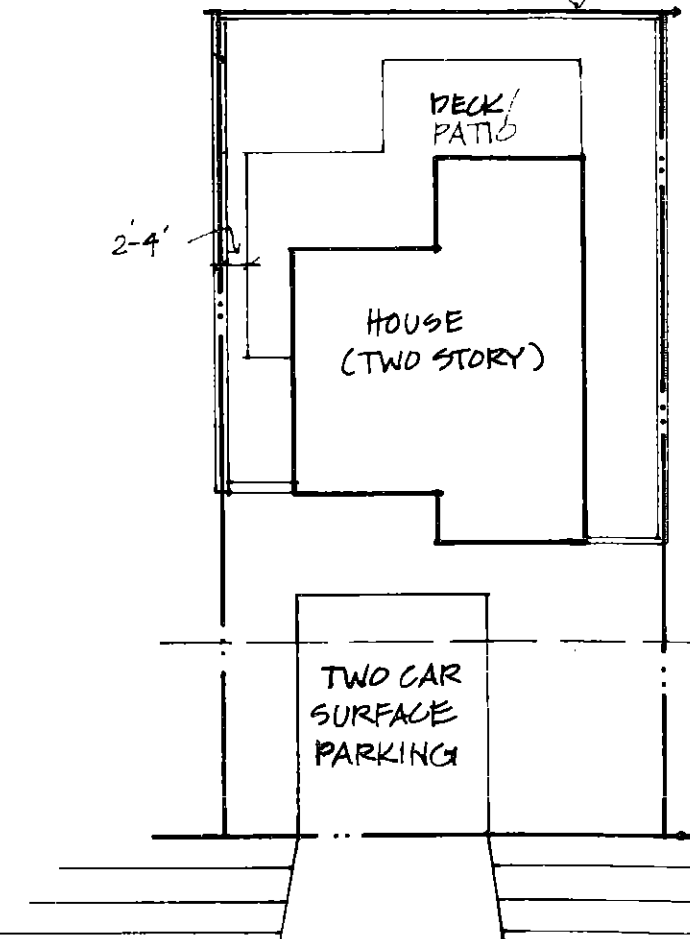
- F. Variance for Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 90, 91, 92, 93, 97, 98, 99, and 100: CMPD Section V.B.8.b pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback Separations as follows:
- Garage to Street: 20' separation in lieu of the required 22'
- Assuming Part I of Lyonswood South Variances are granted, the following variances for projections into yards are requested:
- Part II. Section 301.1 B.C.Z.R. for Projections into Yards to permit open, unroofed decks or patios to project into required yards, as set forth in Part I above, all in lieu of the required 25 percent maximum as follows:
- A. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Window to Tract Boundary: Building setback per variance is 30'. Variance request of 15' in lieu of the required 22.5' and normal 26.25'
- B. Variance for Lots 1, 2, 3, 4, 6, 7, 9, 10, 51, 52, 53, 54, 55, 67, 68, 69, 70, 71, 72, 75, 76, and 100: Building to Tract Boundary: Variance request of 15' in lieu of the required 22.5'
- C. Variance for Lots 1 - 101: Window to Side Lot Line: Building setback per variance is 7.5'. Variance request of 4' for decks and 2' for patios in lieu of the required 5.63' and normal 11.25'
- D. Variance for Lot 1 - 101: Rear Lot Line: Building setback is 15'. Variance request of 4' for decks and 2' for patios in lieu of the required 11.25'
- E. Variance for Lots 1, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 62, 63, 64, 65, 66, 67, 95, 97, and 98: Window to Street, Right-of-Way Winards Road and Future Road Right-of-Way Reserves: Building setback is 25'. Variance request of 15' in lieu of the required 18.75'



SCALE: 1" = 20'

NOTES:

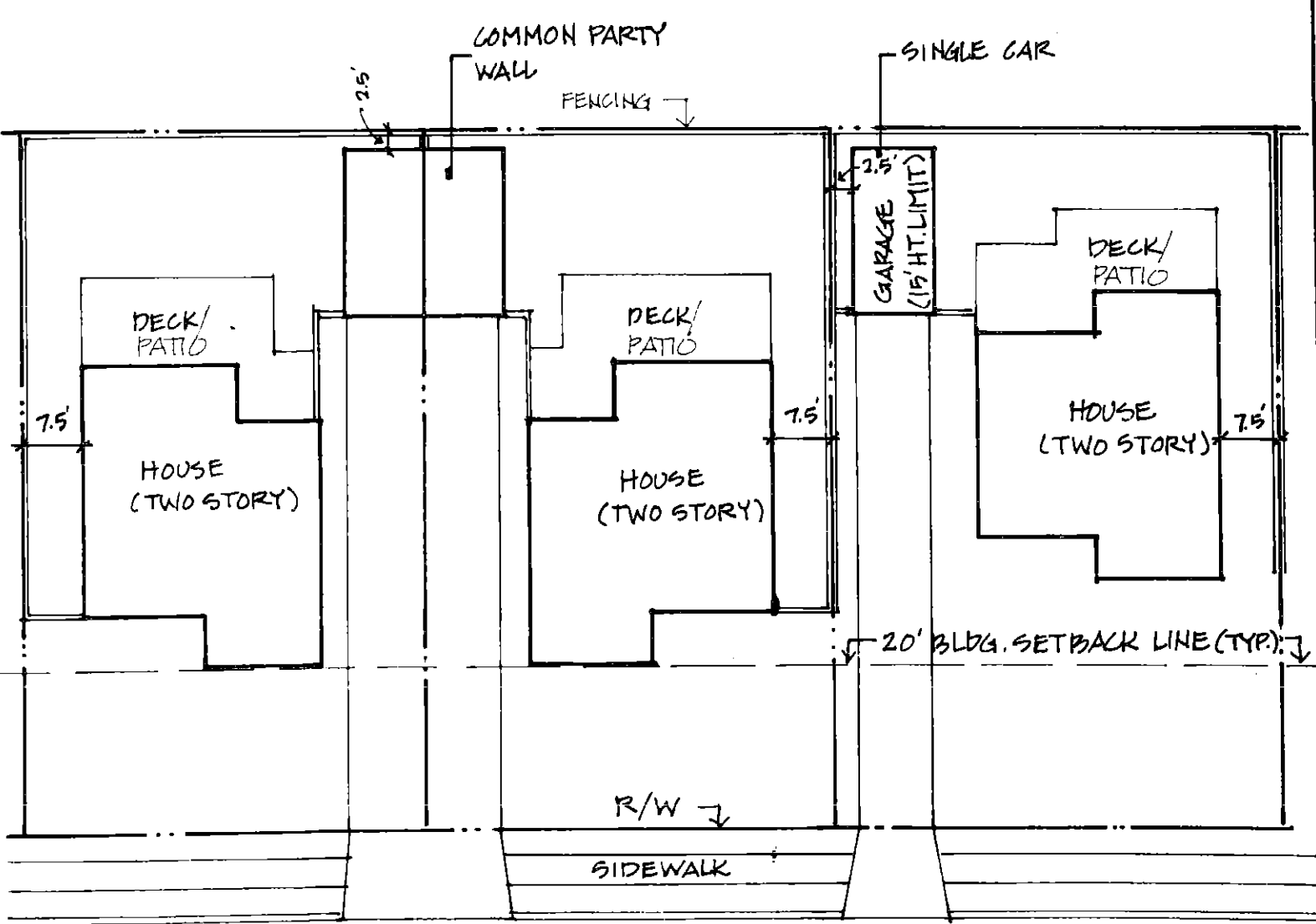
- DECKS AND PATIOS SHALL NOT COVER MORE THAN 50% OF THE YARD AREA AND SHALL BE LIMITED TO SIDE AND REAR YARDS.
- NO DECK SHALL BE CLOSER THAN 4 FT. TO AN ADJOINING STRUCTURE OR WALL.
- NO PATIO SHALL BE LOCATED CLOSER THAN 2 FT. TO AN ADJOINING STRUCTURE OR WALL.
- NO DECK OR PATIO SHALL BE LOCATED CLOSER THAN 4 FT. TO A PROPERTY LINE THAT DOES NOT HAVE A WALL OR FENCE.



ALTERNATIVE SURFACE PRKG. PAD LAYOUT

SCALE: 1" = 20'

- DECKS AND PATIOS SHALL NOT BE PERMANENTLY COVERED WITHOUT PRIOR APPROVAL FROM BALTIMORE COUNTY.



ALTERNATIVE DETACHED GARAGE LAYOUT

SCALE: 1" = 20'

EXHIBIT EXHIBIT

DAFT - MCCUNE - WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD 21204
TELEPHONE: (301) 206-3333

LYONSWOOD SOUTH

ZONING VARIANCE LAYOUTS
JOB # 89143.A D.M.W. 4.91

91-330-A

LYONSWOOD
SECTION I
DR 3.5

LYONSWOOD
SECTION I

DR3.5

N 73° 22' 50" W 2023.33'

PARCEL A
25 ac.

ROAD A

SWM POND A

FUTURE ROAD R.O.W.

COURT E

COURT D

COURT C

Winands

Road

Winands

Road

DR 3.5

DR 3.5

**PETITIONER'S
EXHIBIT**

PROPOSED SINGLE FAMILY LOT #101
(EXISTING DWELLING TO REMAIN)
SCALE 1"=30'

TULSMERE
ROAD

EX RESIDENTIAL

JAS. & EVA MATHIOUDAKIS
6044/814
9300 TULSMERE RD.
RESID.

HOWARD & N. HINES
6153/606
9301 TULSMERE RD.

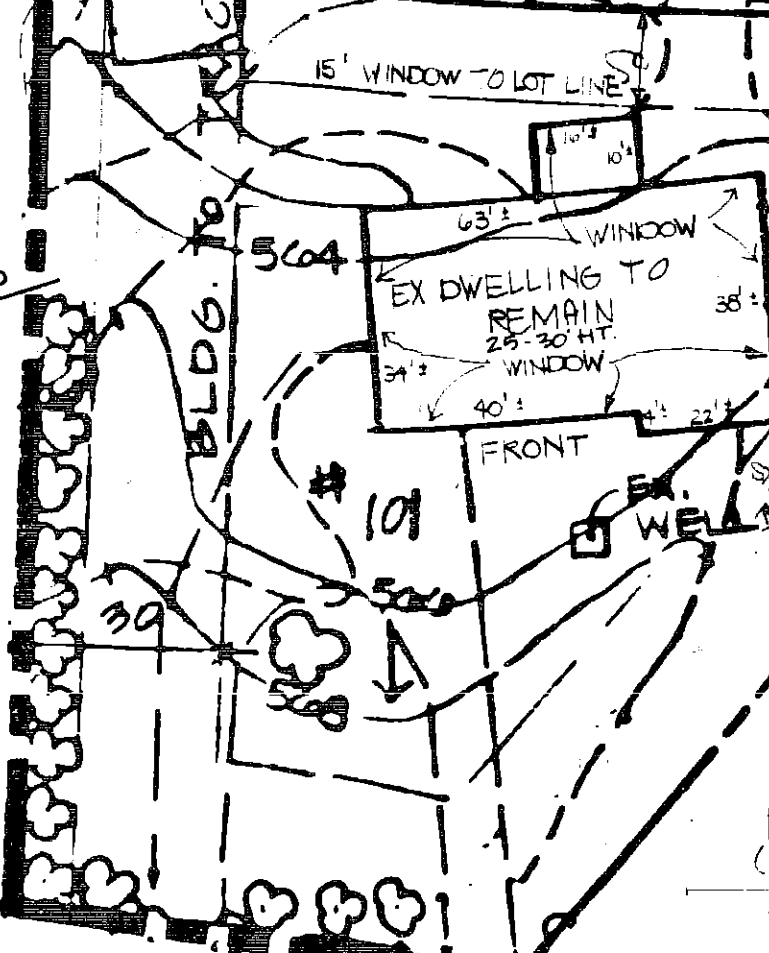
WM. T. REEP
6100/520
#9323

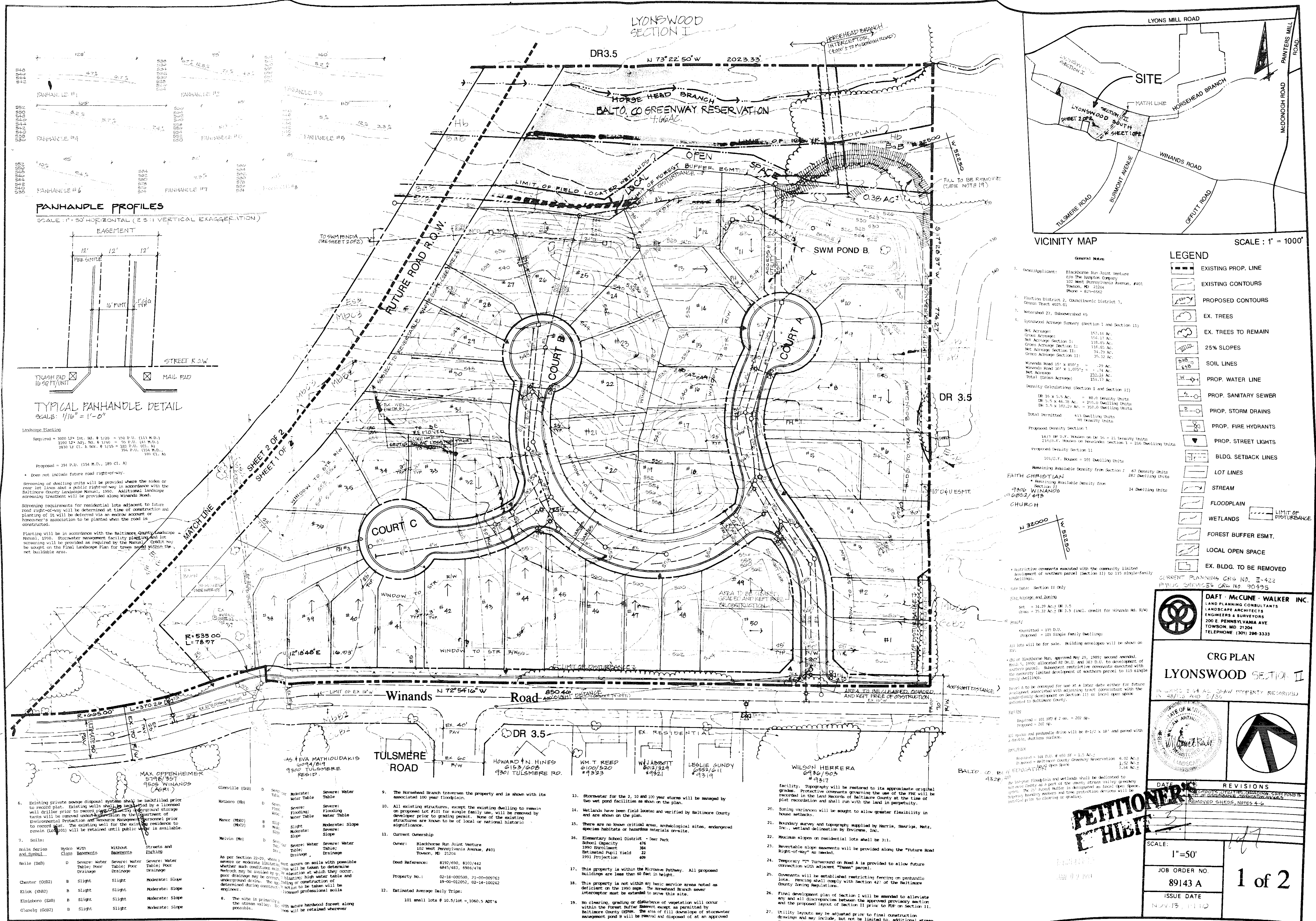
W. J. ABBOTT
6012/324
#9321

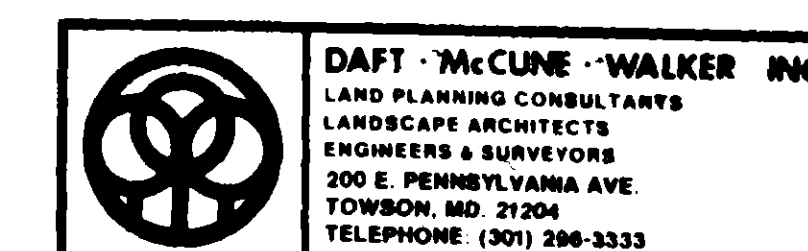
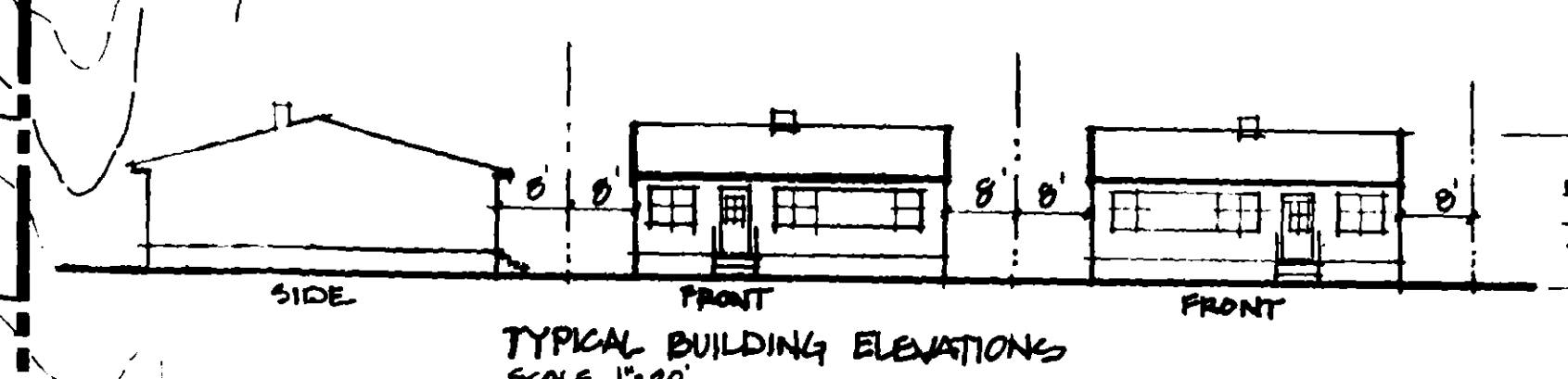
LESLIE GUNDY
6552/611
#9319

MAX OPPENHEIMER
5748/957
9509 WINANDS
(AGRI.)

W. M. JACKSON
2404/338
RESID./AG.







DATE		REVISIONS	

SCALE:

1" = 50'

JOB ORDER NO.
89143 A

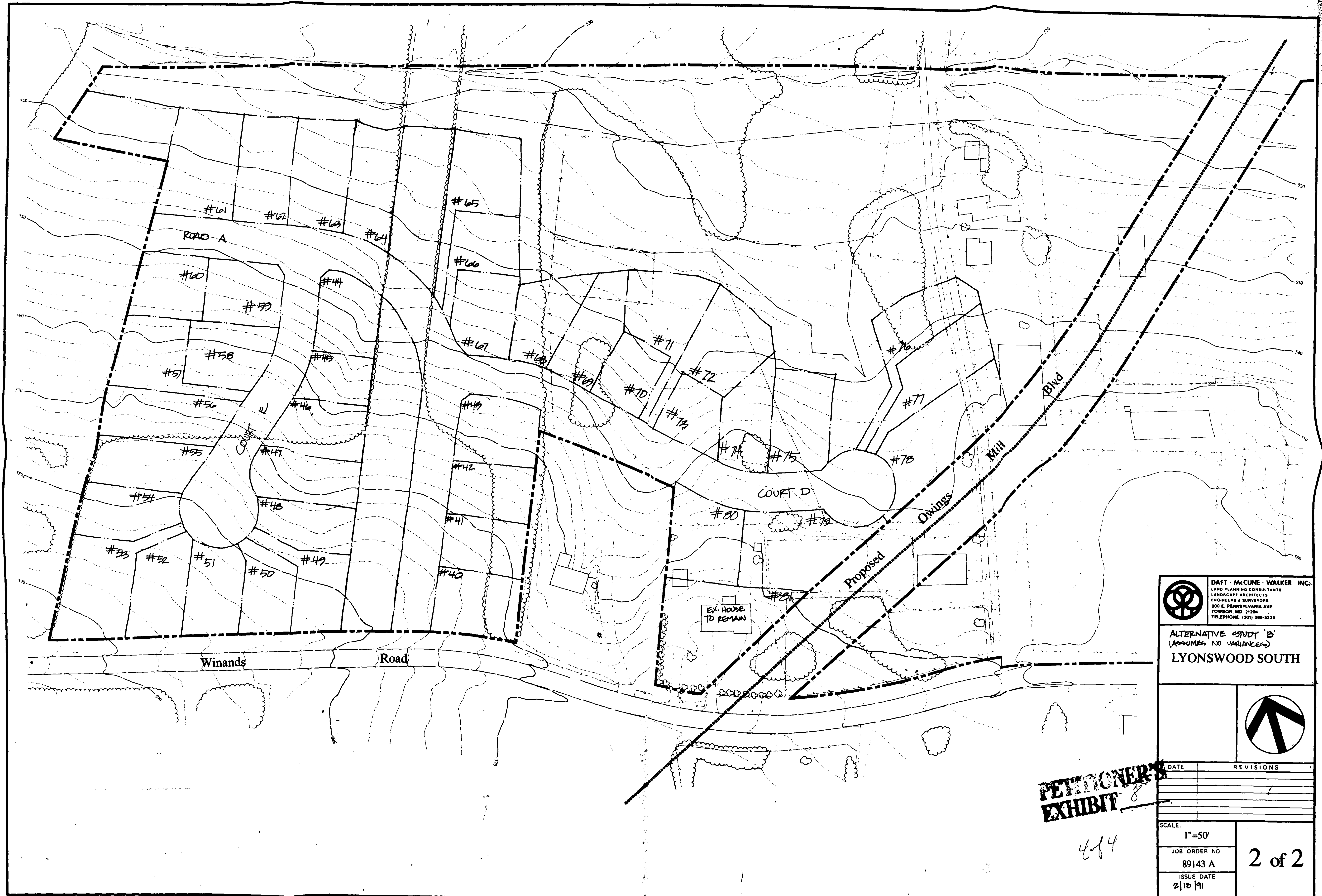
ISSUE DATE
2/16/91


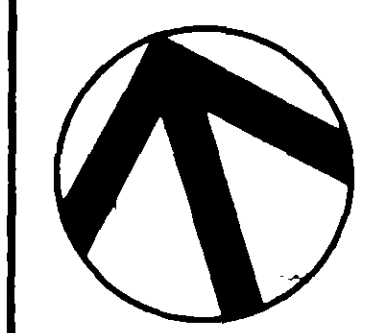
1 of 2

DEFENDANT'S EXHIBIT 8

1 of 4

1 of 2



 DAFT · McCUNE · WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS & SURVEYORS 200 E. PENNSYLVANIA AVE TOWSON, MD 21204 TELEPHONE: (301) 296-3333	
ALTERNATIVE STUDY 'B' (ASSUMES NO VARIANCES) LYONSWOOD SOUTH	
	
DATE	REVISIONS
SCALE:	2 of 2
1"=50'	
JOB ORDER NO. 89143 A	
ISSUE DATE 2/10/91	